

Permitting & Assistance Branch Staff Report
Modified Full Solid Waste Facilities Permit for City of Clovis Landfill
SWIS No. 10-AA-0004
August 1, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Fresno County Department of Public Health Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Modified Full Solid Waste Facilities Permit (SWFP) for City of Clovis Landfill (Facility), SWIS No. 10-AA-0004, located in the City of Clovis, owned and operated by the City of Clovis. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on June 13, 2012. A new proposed permit was received on July 3, 2012 and July 19, 2012. Action must be taken on this permit no later than September 17, 2012. If no action is taken by September 17, 2012, the Department will be deemed to have concurred with the issuance of the proposed new permit.

Proposed Project

The following are the key design parameters of the proposed project:

	Current Permit	Proposed Permit
Permitted Maximum Tonnage	600 Tons Per Day (TPD) until 2010 and 2000 TPD beginning 1/01/10 until 2050	2000 TPD
Permitted Traffic Volume	95 Inbound Vehicles Per Day (IVPD) until 2010 and 148 IVPD beginning 1/10/10 until 2050	148 Inbound Vehicles Per Day
Permitted Area (in acres)	76.6	76.3 Total
Estimated Closure Year	2047	2053
Remaining Capacity (cubic yards)	6,600,000	7,740,000

Other Changes Include:

1. Deletion of SWFP "Program/Reporting Frequency" section 16 k. Item k deals with the Inactive Landfill Reconstruction Demonstration Project, which is now complete.
2. The submittal of an updated Report of Disposal Site Information/JTD, dated December 2011, to reflect the proposed permit and operational changes.
3. Changes to the SWFP "Documents" section include the Waste Discharge Requirements, Preliminary Closure and Postclosure Maintenance Plan and updated RDSI/JTD.

4. Deletion of SWFP Condition 17 d, which listed outdated language.

Key Issues

The proposed permit will allow for the following:

The maximum permitted daily tonnage for this facility is 2,000 tons per day (tpd) and the permitted traffic is 148 inbound vehicle trips per day.

A 0.3 acre decrease in the permitted area.

Updates to the estimated closure year and remaining capacity.

Findings:

Staff recommends concurrence in the issuance of the proposed SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Waste Permitting, Compliance and Mitigation Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 13, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	Staff received a proposed Solid Waste Facilities Permit on July 19, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 13, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated June 26, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plans is consistent with State Minimum Standards as described in their memorandum dated July 3, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (6) (A) Financial Assurances Documentation Compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in their memorandum dated August 1, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(7)(B) Operating Liability Compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit staff found the Operating Liability in compliance as described in their memorandum dated August 1, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	LEA staff found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 20, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 13, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 5, 2012. No written or oral comments were received by the LEA or Department staff. See Public comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Hoa Gip, Inspector for Fresno County Department of Community Health/Local Enforcement Agency conducted an inspection on June 20, 2012. LEA staff found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2012 - No violations noted through June 2012
- 2011 - No violations noted.
- 2010 (January - June) Violations of Title 27 CCR Section 20291 – Gas Monitoring and Control.
- 2009 (August, November - December) Violations of Title 27 CCR Section 20291 – Gas Monitoring and Control. (August) Violation of Section 20937 - Reporting and Control of Excessive Gas Violations.
- 2008 (February, April – August) Violations of Title 27 CCR Section 20291 – Gas Monitoring and Control.

- 2007 (January – December) Violations of Title 27 CCR Section 20291 – Gas Monitoring and Control. (Formerly 20919.5)

Previous violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified/revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The LEA has made a finding that the EIR filed with the State Clearinghouse (SCH# 2002091105) and certified by the City of Clovis on July 11, 2005 describes and supports the design and operation of this project.

The proposed modified SWFP under consideration decreases the permitted area 0.3 acres and updates to the estimated closure year and remaining capacity. The project does not include an increase in the permitted daily tonnage received, traffic volume or changes in the days or hours of operation. Staff determined the updates would not be considered a change from what was previously allowed per Title 27, Section 21665(d).

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified/revised SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new/modified/revised SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new/modified/revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Noticing and Comments:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. No written or oral comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on June 19, 2012 and July 17, 2012.